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April 28, 2016

Via ECFS

Marlene H. Dortch, Secretary
Federal Communications Commission
Office of the Secretary
445 12th Street, SW
Washington, DC 20554

**Re: WC Docket No. 10-90
Mark Twain Rural Telephone Company
Challenge to A-CAM V2.2 Competitive Coverage**

Dear Ms. Dortch:

On behalf of Mark Twain Rural Telephone Company ("Mark Twain"), JSI files the attached Mark Twain comments to challenge the competitive coverage contained in Alternative Connect America Cost Model ("A-CAM") version 2.2 pursuant to the streamlined challenge process established by Public Notice.¹

Please direct any questions regarding the filing to the undersigned.

Sincerely,

John Kuykendall
JSI Vice President
301-459-7590
jkuykendall@jsitel.com

Attachment

¹ See Wireline Competition Bureau Releases Alternative Connect America Cost Model Version 2.2 and Illustrative Results and Commences Challenge Process to Competitive Coverage, WC Docket No. 10-90, Public Notice (rel. Apr. 7, 2016) ("Public Notice").

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of)	
)	WC Docket No. 10-90
Connect America Fund)	

A-CAM COMPETITIVE CHALLENGE

**COMMENTS OF MARK TWAIN RURAL TELEPHONE COMPANY
CHALLENGING A-CAM COMPETITORS PURSUANT TO PUBLIC NOTICE**

Mark Twain Rural Telephone Company (“Mark Twain” or the “Company”) hereby submits these comments regarding the Federal Communications Commission’s (“FCC” or “Commission”) April 7, 2016 Public Notice which published the preliminary determination of unsubsidized competitive coverage for rate-of-return Incumbent Local Exchange Carrier (“ILEC”) study areas.¹

Pursuant to the *Public Notice* and paragraph 71 the Report and Order, Order and Order on Reconsideration, and Further Notice of Proposed Rulemaking released on March 30, 2016 in the above-reference proceedings by the Federal Communications Commission (“FCC” or “Commission”),² Mark Twain hereby challenges the competitive coverage of Missouri RSA No. 5 Partnership d/b/a Chariton Valley Wireless Services (“MO5”) in certain census blocks contained in the latest version of the A-CAM model (ver. 2.2).

I. BACKGROUND

Mark Twain is a rural incumbent local exchange carrier (“RLEC”) headquartered in Hurdland, Missouri. Mark Twain serves a large study area in the Northeast part of the state. The

¹ See Wireline Competition Bureau Releases Alternative Connect America Cost Model Version 2.2 and Illustrative Results and Commences Challenge Process to Competitive Coverage, WC Docket No. 10-90, Public Notice (rel. Apr. 7, 2016) (“*Public Notice*”).

² See *Connect America Fund et al.*, WC Docket No. 10-90 *et al.*, Order, FCC 16-33 (rel. Mar. 30, 2016) (“*USF Reform Order*”).

Company is interested in accepting the voluntary offer of A-CAM support, but is concerned about the accuracy of the model as it is in version 2.2.

The Company's Study Area Code ("SAC") is 421914. As further outlined below, the Company maintains that the latest version of the A-CAM contains errors that are significantly impacting the total number of locations eligible for support by excluding census blocks where the A-CAM erroneously indicates the presence of unsubsidized competitive providers. These errors in the A-CAM model significantly reduces Mark Twain's potential model-based support.

Through this petition, Mark Twain is not challenging all competitive overlap information within the A-CAM for its study area, but there are certain census blocks that contain erroneous competitive overlap findings, which Mark Twain is seeking to have corrected in the next release of the A-CAM.

II. DEMONSTRATION OF ERRONEOUS COMPETITIVE DATA

In regard to unsubsidized competitors identified in certain census blocks within Mark Twain's study area in the latest A-CAM, the Company submits challenges to MO5 on grounds that MO5 does not meet the qualifications for an "unsubsidized competitor." First, as demonstrated by Attachment A - Declaration from Kirby Underberg, General Manager of MO5 ("Declaration"), the Missouri Public Service Commission designated MO5 as a Competitive Eligible Telecommunications Carrier ("CETC") within the study area boundaries of Mark Twain. According to the Declaration, "MO5 continues to receive universal service support." Accordingly, MO5 does not qualify as an "unsubsidized competitor."

Additionally, MO5 does not meet the performance requirements necessary to qualify as an "unsubsidized competitor." As the FCC noted in its *USF Reform Order*, in order to be considered an unsubsidized competitor, a provider must offer broadband service that is at least capable of providing 10/1 Mbps service within a rate-of-return carrier's study area.³ However, as further addressed below, the identified competitive provider does not offer broadband service in census blocks within the Company's study area, nor is it an unsubsidized provider as it receives high cost USF support.

Mark Twain filed a letter with the Commission on March 7, 2016 notifying the Commission of this specific issue, emphasizing that representatives from Mark Twain have held

³ *USF Reform Order* at footnote 31.

conversations with representatives from MO5, wherein the representatives from MO5 agreed that the entity does not provide 10/1 Mbps broadband service in Mark Twain's study area.⁴

According to the A-CAM, MO5 offers fixed wireless services (technology code 70) in 78 census blocks, listed below, in Mark Twain's study area—which is significantly *more* than in previous version of the A-CAM. The competitive overlap data in the A-CAM is based on FCC Form 477 data submitted by MO5 (data as of June 30, 2015). As confirmed by the attached Declaration, MO5 does not offer broadband service capable of 10/1 Mbps in Mark Twain's study area. MO5 did at one time offer such service, but due to capacity constraints on its wireless network, MO5 no longer offers broadband service capable of 10/1 Mbps. The MO5 June 2015 Form 477 data would not reflect the reduction in speed. The attached declaration by MO5 that the company no longer provides 10/1 Mbps service in Mark Twain's service area is sufficient evidence for the Commission to revise Mark Twain's competitive overlap situation. Because MO5 can no longer provide broadband that meets the Commission's definition for a competitor, in the next release of the A-CAM, these census blocks should be not be shown as a “knock out” by MO5.

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⁴ See *Mark Twain Rural Telephone Company*, Connect America Fund, WC Docket No 10-90 (filed March 7, 2016).

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III. CONCLUSION

For the reasons stated above, Mark Twain respectfully requests, pursuant to the *Public Notice* and paragraph 71 of the *USF Reform Order*, that the Commission find the evidence submitted herein is sufficient to correct the erroneous exclusion of certain census blocks in the latest A-CAM such that Mark Twain can make an informed decision as to whether or not it wishes to opt for model-based support and to such other relief, as the Company may be justly entitled.

Respectfully submitted,

/s/ Jim Lyon

Executive Vice President and General Manager
Mark Twain Rural Telephone Company

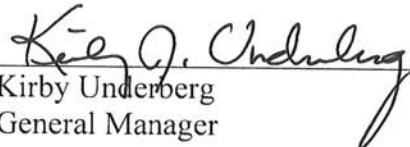
Filed April 28, 2016

Attachments

DECLARATION OF KIRBY UNDERBERG

I, Kirby Underberg, do hereby declare under penalty of perjury the following:

1. I am the General Manager of Missouri RSA 5 Partnership d/b/a Chariton Valley Wireless Services ("MO5").
2. The Missouri Public Service Commission ("PSC") designated MO5 as a Competitive Eligible Telecommunications Carrier ("CETC") within the study area boundaries of Mark Twain Rural Telephone Company ("Mark Twain") and Grand River Mutual Telephone Corporation ("Grand River"). *See Report and Order in Case No. TO-2006-0172 (MO PSC Sept. 21, 2006), as modified.* MO5 continues to receive universal service support under the Commission's identical support rules as a CETC, and therefore is not an unsubsidized competitor.
3. MO5's wireless network is limited by capacity constraints and network management requirements. As of January 2016, network limitations caused MO5 to reduce the maximum broadband speed available to its wireless customers from 12 Mbps down to 8 Mbps down. MO5 does not provide broadband service sufficient to be considered as a competitor for purposes of the Commission's rules related to rate-of-return support adopted in the A-CAM order. MO5 will reflect the lower broadband speeds in its next FCC Form 477 submission.


Kirby Underberg
General Manager

Dated: April 27, 2016

DECLARATION OF JIM LYON

I, Jim Lyon, am Executive Vice President & General Manager of Mark Twain Rural Telephone Company ("Mark Twain" or the "Company"). I have personal and direct knowledge of the representations made by Mark Twain in its April 28, 2016 Comments to the Federal Communications Commission, WC Docket No. 10-90, regarding the Company's service area, competitive overlap, and discussions with representatives of Missouri RSA No. 5. Based upon my personal and direct knowledge, I verify the truth and accuracy of the information contained herein. I verify that Missouri RSA No. 5 does not provide 10/1 Mbps broadband service as an unsubsidized competitor in Mark Twain's incumbent telephone service area.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on April 28, 2016



Jim Lyon, Executive V.P. & General Manager
Mark Twain Rural Telephone Company